

U. S. Department of Justice
950 Pennsylvania Avenue, NW
Criminal Division
Computer Crime and Intellectual Property Section
John C. Keeney Building, Suite 600
Washington, DC 20530-0001

February 18, 2005

By Electronic Mail

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, D.C. 20554

**Re: *Petition to Defer in the Matter of Pac-West Telecomm, Inc., Transferor, and
U.S. TelePacific Corp., Transferee, Application for authority pursuant to
Section 214 of the Communications Act of 1934, as amended, for the transfer of
assets of an authorized U.S. international and domestic common carrier,
Docket No. WC 05-21.***

Dear Ms. Dortch:

Transmitted herewith by the United States Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI"), on behalf of itself and the Department of Homeland Security ("DHS"), is an original electronic copy of a Petition to Defer in the above-referenced matter. Please accept this Petition and be advised that DOJ, FBI and DHS respectfully request that the Federal Communications Commission defer grant of the above-captioned Application until the agencies notify the Commission that all potential national security, law enforcement, and public safety issues have been fully evaluated.

Sincerely,

/S/ MICHAEL J. STAWASZ

Michael J. Stawasz
Trial Attorney

Attachment

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Pac-West Telecomm, Inc.
Transferor

and

U.S. TelePacific Corp.
Transferee

Application for authority pursuant to Section
214 of the Communications Act of 1934, as
amended, for the transfer of assets of an
authorized U.S. international and domestic
common carrier

Docket No. WC 05-21

PETITION TO DEFER

The United States Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), and the Department of Homeland Security (“DHS”) (collectively the “Agencies”), with the consent of Pac-West Telecomm, Inc. and U.S. TelePacific Corp. (together the “Applicants”), respectfully request that the Federal Communications Commission (“Commission”) defer grant of the above-captioned Application until the Agencies notify the Commission that they have completed their evaluation of potential national security, law enforcement, and public safety issues. The Agencies expect to provide such notification to the Commission within the next few weeks.

The Application requests authorization for the transfer of assets of an authorized U.S. international and domestic common carrier to an entity ultimately controlled by foreign investors. Given the potential for foreign influence, the Agencies are evaluating whether the

proposed transaction could impact U.S. national security, law enforcement, or infrastructure concerns, or impair the ability of federal, state and local governments to effectively: (1) satisfy U.S. National Security Emergency Preparedness and U.S. infrastructure protection requirements; (2) conduct secure and lawfully-authorized electronic surveillance of domestic U.S. calls or calls that originate or terminate in the United States; or (3) prevent and detect foreign-based or other illegal electronic surveillance within the United States, which might jeopardize the security of the United States or privacy of U.S. telecommunications.¹

¹ Representatives of the Agencies have been in contact with the Applicants on this matter and are working with Applicants to assess whether this transaction raises any such concerns. Applicants have consented to this Petition to Defer in the interest of promptly addressing such issues.

Accordingly, the Agencies hereby request that the Commission defer grant of the above-captioned application pending notification to the Commission that all issues concerning potential national security, law enforcement, or public safety concerns have or have not been resolved and requesting appropriate action by the Commission.

Respectfully submitted,

/S/ LAURA H. PARSKY

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Dated: February 18, 2005

Certificate of Service

I, Michael J. Stawasz, hereby certify that on this 18th day of February, 2005, I caused a true and correct copy of the **Petition to Defer**, to be served upon the following parties via Electronic Mail:

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